

EXHIBIT 11



June 1, 2022

Robert D. Sampson
[REDACTED]
[REDACTED]

RE: USMLE Step 1

USMLE ID#: [REDACTED]

Dear Robert D. Sampson:

We have thoroughly reviewed the documentation you provided in support of your request for test accommodations on the United States Medical Licensing Examination (USMLE) Step 1. We conducted an individualized review of your request in accordance with the guidelines set forth in the amended Americans with Disabilities Act (ADA).

You have requested 100% additional test time (double time) and additional break time on the basis of Specific Learning Disorder with impairment in reading (dyslexia), reading fluency, word reading accuracy, spelling, and Unspecified Neurodevelopmental Disorder, visuospatial memory, visuospatial processing diagnosed in 2013; Attention-Deficit/Hyperactivity Disorder, predominantly inattentive (ADHD) diagnosed in 2015; and Specific Learning Disorder with impairment in written expression diagnosed in 2020. You previously submitted initial and reconsideration requests for accommodations for Step 1 on the basis of these disorders and in our June 13, 2017, August 1, 2017, January 12, 2018, March 6, 2018, September 7, 2018, and January 4, 2019 letters addressed to you, we explained that your documentation did not demonstrate a substantial limitation in a major life activity as compared to most people or that the requested accommodations were an appropriate modification of your test administration.

You write in your April 13, 2022 Personal Statement for Accommodations, *"New testing concluded, as had past testing, that I require extended time in order to have access to examinations. Based on this new testing, my medical school which had previously been providing 1.5x, began providing double time for all examinations, including shelf exams...Because the USMLE Step 1 is a vignette based multiple choice exam, this style of exam exacerbates the impacts of both my low reading speed and my slow processing speed forcing me to leave large sections of the exam either unanswered, or guessed on. I need at 2X additional time, hence my request for 2X additional time on the Step 1 exam."* We note the accommodations your medical school has elected to provide to you. While NBME gives considerable weight to documentation of past and present accommodations, the fact that you have previously received a particular accommodation in other contexts is not, in itself, a sufficient demonstration of your need for accommodations on the USMLE.

Received in support of your current request was an August 2020 report of Neuropsychological Evaluation by Jeanette Wasserstein, Ph.D. and Kim Miller, Ph.D. who write, *"Robert Sampson is a 3rd year medical student at Renaissance School of Medicine at Stony Brook University with a history of having received time accommodations throughout medical school, including on the NBME shelf exams. Mr. Sampson is currently requesting an updated neuropsychological evaluation as part of his appeal to the National Board of Medical Examiners' (NBME) regarding their past decisions to deny him accommodations on the USMLE Step Exams. Mr. Sampson's initial application was denied in June 2017. Thereafter he appealed this decision multiple time and received his 4th denial letter in March 2018...Given his significant reading comprehension difficulties, he meets criteria for a DSM-5 diagnosis of Specific Learning Disorder with impairment in reading (reading fluency*

and reading comprehension), as well as impairment in written expression (spelling and handwriting). Based on current test results and prior history and diagnosis, Mr. Sampson also meets criteria for Attention Deficit/Hyperactivity Disorder, Combined Presentation.” Your evaluators provide recommendations writing, “For testing, standardized or in class, extended time is warranted. Currently, double time is strongly advised because of his significantly slowed reading fluency and because he has found even with time and half [sic] he is often not able to finish Step exams.”

We carefully reviewed and considered the information and recommendations presented by your evaluators, as well as the entirety of your submission for accommodations. Regardless of the assigned diagnoses, there is insufficient evidence to support a need for accommodations to access the USMLE. Your most recent 2020 performances on a range of relevant cognitive and academic achievement tasks, including Processing Speed, Working Memory, Logical Memory, Perceptual Reasoning, Executive Functions, Spelling, Essay Composition, Sentence Composition, Sentence Writing Fluency, Word Reading, Pseudoword Decoding, Reading Comprehension, Oral Reading Fluency, Oral Reading Accuracy, Oral Reading Rate, and Sentence Reading Fluency, are all largely within the Average to Superior range of functioning (under timed and untimed conditions) and not indicative of an impairment that substantially limits you in comparison to most people in the general population. While we note your reported below average scores on two select reading related tasks (Reading Rate and Reading Comprehension) on the *Nelson-Denny Reading Test*, these scores are inconsistent with your prior performance on your 2013 evaluation as well as your history of unimpaired performances on real-world high stakes standardized tests taken without accommodations. You report that you did not receive accommodations in any academic setting, up to medical school, or for any standardized testing including the PSAT, SAT, ACT, and MCAT. Taken altogether, your documentation does not demonstrate that standard test timing is a barrier to your access to the USMLE.

Accommodations are intended to ensure that individuals with a documented disability as defined by the Americans with Disabilities Act (ADA) can take the USMLE exams in an accessible place and manner. A diagnostic label, in and of itself, does not establish coverage under the ADA, nor does prior receipt of accommodations for a particular activity guarantee that identical accommodations are indicated or will be available in all future settings and circumstances. The ADA defines disability as a physical or mental impairment that substantially limits a person’s ability to perform one or more major life activities, as compared to most people in the general population. Therefore, not every impairment will constitute a disability.

Your documentation does not demonstrate that the requested accommodations are an appropriate modification of your USMLE Step 1 test administration. Therefore, after a thorough review of all of your documentation, I must inform you that we are unable to provide you with the requested accommodations. We will process your USMLE Step 1 exam application without test accommodations at this time. You may inquire at usmlereg@nbme.org or call Applicant Services directly at (215) 590-9700 with any questions about your scheduling permit.

Please monitor the Prometric website at www.prometric.com/corona-virus-update for up-to-date information and test center procedures related to the impact of the coronavirus (COVID-19) pandemic.

Sincerely,

Disability Services